

REMARKS

The Office action of December 27, 2007, has been carefully considered.

Objection has been raised to the abstract and specification, and the abstract and specification have now been amended consistent with the requirements set forth in the Office action.

Claims 5 and 7-16 have been rejected under 35 USC 112, second paragraph. The claims have now been canceled and replaced by a new set of Claims 17 through 34 which have been written in proper form for U.S. practice, the new claims avoiding the objections made in the Office action. Withdrawal of this rejection is requested.

Claims 1-5, 7 and 8 have been rejected under 35 USC 102(e) as anticipated by Staskin et al, and Claim 6 has been rejected under 35 USC 103(a) as obvious over Staskin et al.

New Claim 17 is directed to a device for placing a reinforcing tape in a tissue of the human body, comprising an introducer including an elongated flexible body extending along the longitudinal axis and having two ends, each of the ends provided with a pulling means, a cavity provided in the flexible body between the ends for receiving a reinforcing tape and which is defined by walls within the body, and means for cutting the body into two portions separable by pulling on the pulling means. The cutting means comprises at least one aperture provided in the flexible body into the cavity and extending transversely to the longitudinal axis. The aperture affects more than half of the circumference of the walls of the cavity, so as to leave only a connecting wall between portions of the flexible body delimited by the aperture. The aperture is constructed and arranged for passage of a cutting tool between the tape and the connecting wall.

The invention as claimed is clearly distinguished from

the introducer disclosed by Staskin et al. In Staskin et al, the introducer shown is telescoping, and includes two separate parts. However, as cited in the Office action, at the top of column 17 Staskin et al states that "other configurations of the sheath 44 are within the scope of the present invention, in particular, the sheath may be unitary as opposed to telescoping, with perforations, holes, scores or tear lines designed to allow separation and removal of the sheath 44."

Applicant submits that the claimed aperture does not fall within the generic definition of "perforations, holes, scores or tear lines" set forth in Staskin et al. In particular, the aperture must affect more than half of the circumference of the walls of the cavity, and leave only a connecting wall between portions of the flexible body delimited by the aperture. Moreover, the aperture must be constructed to permit passage of a cutting tool between the tape and the connecting wall. Perforations, holes, scores and tear lines do not affect more than half of the circumference of the walls of the cavity, and do not permit passage of a cutting tool. The claimed aperture structure is necessary to permit the introducer to be easily withdrawn from the patient's body, without risk of damaging the tape.

Withdrawal of this rejection is requested.

Claims 8-16 have been rejected under 35 USC 103 over Staskin et al in view of Gellman et al. Staskin et al has been discussed in detail above.

Gellman et al has been cited to show a curved guide in Figure 54, which is used to deliver a sling implant. The Office action alleges that it would have been obvious to utilize the delivery device of Gellman et al with the inserter of Staskin et al.

Nevertheless, Gellman et al does not cure the defects of Staskin et al, and withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks,
Applicant submits that the present application is now in
condition for allowance. An early allowance of the
application with amended claims is earnestly solicited.

Respectfully submitted,



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